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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CALBRUCE JAMAL GREEN,

Plaintiff,

v.

KEITH WELCH, an individual, JACK
BLAZER, an individual, BRINN CULVER, an
individual, MUTLOMAH COUNTY
SHERIFF'S DEPUTY JOHN DOE, an
individual, CITY OF PORTLAND, a
municipal corporation, CITY OF
BEAVERON, a municipal corporation,
MULTNOMAH COUNTY, a political
subdivision, AND TRI-COUNTY
METROPOLITAN TRANSPORTATION
DISTRICT OF OREGON, a municipal
corporation,

Defendants.

Case No. 3:11-cv-00876-BR

**TRIMET'S MOTION FOR SUMMARY
JUDGMENT AND LR 7.1
CERTIFICATION**

ORAL ARGUMENT REQUESTED

Pursuant to Fed. R. Civ. P. 56, defendant Tri-County Metropolitan Transportation District of Oregon (TriMet) respectfully moves the Court for an order granting TriMet summary judgment on plaintiff Calbruce Jamal Green's single claim for relief against TriMet and dismissing this action as to TriMet in its entirety and with prejudice. As set out in the materials

that accompany this motion, there is no genuine issue of material fact, and TriMet is entitled to judgment as a matter of law. TriMet did not violate the Americans with Disabilities Act because it did not discriminate against plaintiff on the basis of disability through the conduct of its bus operators nor, as an entity, because it did not fail to train its employees with regard to providing services to individuals with disabilities. This is a merits-based, dispositive motion. Counsel for TriMet certifies that the parties have made good faith efforts, through face-to-face meetings, to resolve this dispute but were unable to do so. L.R. 7-1(a)(1)(A).

In support of this motion for summary judgment, TriMet relies the Court file; the Joint Statement of Agreed Facts; TriMet's Memorandum in Support of Motion for Summary Judgment; and the supporting declarations of Erik Van Hagen, Allen Morgan, and Dave Morgan, together with the exhibits to those declarations, as well as the Supplemental Declaration of Erik Van Hagen with a document filed under seal pursuant to the protective order in this case.

/s/ Erik Van Hagen

Erik Van Hagen, OSB No. 065387
Of Attorneys for Defendant Tri-County
Metropolitan Transportation District of Oregon
("TriMet")